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Environmental Quality Commission

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**RECOMMENDATION of the
KENTUCKY ENVIRONMENTAL QUALITY COMMISSION
PREVENTION OF SIGNIFICANT DETERIORATION AND NEW SOURCE REVIEW**

Pursuant to KRS 224.01-100 through 224.01-115, the Environmental Quality Commission (EQC) shall have the power, duty and authority to:

- Recommend adoption or rejection by a majority of its membership present and voting of any proposal by the cabinet to adopt, modify or revoke any rule or regulation pertaining to the prevention, abatement and control of existing or threatened air or water pollution, disposal of waste, control of noise, or the use of air, land, or water resources, or strip mining and reclamation.
- The Commission shall tender in writing, its recommendation of adoption or rejection. If the Cabinet adopts any matter upon the commission's recommendation of rejection, the Secretary shall file with the Commission a statement of the reason therefore.

Therefore, on May 17, 2004:

The Environmental Quality Commission voted to recommend adoption of the Kentucky Division for Air Quality proposed regulation and amendments:

- **401 KAR 51:017, Prevention of significant deterioration of air quality.**
- **401 KAR 51:052, Review of new sources in or impacting upon nonattainment areas.**

Contingent on the following:

1. The Ky. Division for Air Quality strengthen its public participation and outreach efforts to better notify the public of PSD, NSR, PALs and other permit applications and public notices to provide greater opportunities for public input (posting of public notices on Web site, e-mail and mail notification of interested parties).
2. The Ky. Division for Air Quality strengthen its public participation and outreach efforts concerning future proposed rule changes to include offering workshops or informational meetings to citizen groups on proposed regulations and amendments to facilitate understanding and more informed input.
3. The Ky. Division of Air Quality closely monitor the current legal challenges to federal regulations pending before the United States Court of Appeals, District of Columbia Circuit which provide basis for 401 KAR 51:001, 51:017 and 51:052.
4. The Ky. Division of Air Quality monitor the impacts of the 405 KAR 51:001, 51:017 and 51:052 and report back to EQC in 6 months.
5. The Ky. Division for Air Quality not move forward with the adoption of the U.S. EPA's New Source Review rules as issued on Aug 27, 2003 (Oct. 27 Federal Register Volume 68, No. 207, pages 61248-61280) due to legal challenges and a stay on the equipment replacement rule issued on Dec. 24, 2003 by the U.S. Court of Appeals for the District of Columbia Circuit pending further review. This stay has now prevented the rule from going into effect while the court considers legal challenges.

Signed

May 17, 2004
date